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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,235	06/27/2003	Niall O'Donoghue	881A.0012.UI(US)	8545
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HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER LASHLEY, LAUREL L	
			ART UNIT	PAPER NUMBER
			2132	
			MAIL DATE	DELIVERY MODE
			07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,235

Applicant(s)

O'DONOGHUE, NIALL

Examiner

Laurel Lashley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/16/07 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 14 is non-statutory, directed to software, per se, lacking storage on a medium which enables any underlying functionality to occur.

To expedite a complete examination of the application, the claims rejected under 35 U.S.C. 101 above are further rejected as set forth below in anticipation of Applicant amending the claim to place it within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 4 – 9, 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over See et al. in US Patent No. 6874090 (hereinafter US '090) further in view of Banatre et al. in US PGPub No. 20020028683 (hereinafter US PGPub '683).

As for claim 1, and similar claims 7 and 13 – 14, US '090 discloses:

A method for authenticating a user of an electronic device in a plurality of usage contexts the user is able to use with the electronic device, that the method comprising: (see Abstract: user authentication service...access to personalized sets...resources...)

maintaining a centralized register of the usage contexts (resources) available for electronic device and pre-stored user profiles (user identifier), each user profile being associated with at least one usage context, (see column 3, lines 1 –3; column 7, lines 52 – 55: means 510...user identifier and network resource...)

and

selecting from the centralized register a user profile in response to said identifying, and performing authentication in the selected usage context by using data from the selected user profile (see column 8, lines 15 – 48: authentication performed by associating user profile with usage context) *but does not expressly disclose* the electronic device entering a particular one of said plurality of usage contexts, the electronic device identifying said entering.

Banatre et al. however does disclose the electronic device entering a particular one of said plurality of usage contexts, the electronic device identifying said entering (see US PGPub '683: p. 2, [0029],[0031]: request/answer for content sensitive service).

See et al. and Banatre et al. are analogous art because they are from similar fields of endeavor (access control). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user authentication service of See et al. such that a user

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would enter a requested service as in Banatre et al. The motivation for doing so would have been to facilitate access control and granting based on personalized requests and usage rights.

As for claim 4, US '090 discloses:

A method according to claim 1, wherein the selected usage context comprising an event in a service or application being used in the electronic device by the user, said event further comprising at least one of the following: authentication event, verifying event. (see column 2, lines 54 – 56: assign and regulate...; column 3, lines 1-25: authentication and verification...)

As for claim 5, and similar claim 8 US '090 discloses:

A method according to claim 1, wherein the authentication comprising authenticating user's identity when accessing to the selected usage context. (see column 8, lines 15 - 18)

As for claim 6, and similar claim 9 US '090 discloses:

A method according to claim 1, wherein the authentication comprising authenticating a transaction made by the user in the selected usage context. (see column 11, lines 18 – 23)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 3 and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over See et al. in US Patent No. 6874090 (hereinafter US '090) and Banatre et al. in US PGPub No. 20020028683 (hereinafter US PGPub '683) further in view of Hanna et al. in US Patent No. 6263434 (hereinafter US '434).

As for claim 2, and similar claim 10 US '090 discloses a method according to claim 1, and a user profile *but does not expressly disclose* wherein said user profile comprising at least one of the following: a user key, a user certificate.

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Hanna et al. however does disclose wherein said user profile comprising at least one of the following: a user key, a user certificate. (see US '434: column 1, lines 64 – 67)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the modify the user authentication service of See et al. such that a user would enter a requested service as in Banatre et al. such that it the user profile would contain identifying information as in Hanna et al. The motivation for doing so would have been to facilitate access control and granting based on detailed personalized usage rights and credentials.

As for claim 3, and similar claim 11 US '090 discloses a method according to claim 2, *but does not expressly disclose* wherein said user key further comprising at least one of the following a public key and a secret key.

Hanna et al. however does disclose wherein said user key further comprising at least one of the following a public key and a secret key. (see US '434: column 1, lines 64 - 67)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the modify the user authentication service of See et al. such that a user would enter a requested service as in Banatre et al. such that it the user profile would contain identifying information as in Hanna et al. The motivation for doing so would have been to facilitate access control and granting based on detailed personalized usage rights and credentials.

As for claim 12, US '090 discloses an electronic device according to claim 11, *but does not expressly disclose* wherein said electronic device is a mobile communication device.

Banatre et al. however does disclose wherein said electronic device is a mobile communication device. (see US '683: column 8, lines 15 – 18)

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See et al. and Banatre et al. are analogous art because they are from similar fields of endeavor (access control). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communication network of See et al. such that it would include a mobile communication device as in Banatre et al. The motivation for doing so would have been to provide a diversified authentication communication network.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

09 July 2007
LL


Benjamin E. Lanier
Examiner AU 2132